

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF LAND PROTECTION & REVITALIZATION
OFFICE OF SPILL RESPONSE AND REMEDIATION

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TO: Petroleum Program Managers

FROM: John Giese



SUBJECT: Heating Oil Guidance Clarification

DATE: October 24, 2016

In order to implement recommendations of the recently-concluded Heating Oil Technical Workgroup and to improve consistency in categorizing heating oil cases, OSRR is providing the following guidance clarification. The purpose of this clarification is to narrow the latitude allowed in the current guidance; as such it must be read in concert with section 5.4.4 of the Storage Tank Program Technical Manual.

This guidance clarification covers three key aspects of heating oil release investigations: 1) initial case categorization, 2) transition from Category 1 to higher categories, and 3) case closure.

We anticipate additional updates to heating oil guidance upon completion of the heating oil petroleum vapor intrusion study and the look-back study (evaluation of closed heating oil cases). At that time, the appropriate sections of the Storage Tank Program Technical Manual will be modified.

Implementation of this guidance clarification may result in some variation in the approach currently within a region. This guidance clarification aims to provide consistency within the framework of case categorization.

Questions about any aspect of this guidance clarification should be directed to OSRR: James Barnett or John Giese.

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Initial Case Categorization

To improve consistency, staff will apply the following decision criteria when categorizing certain cases:

Heating oil category decision matrix. The initial recommended category to be assigned at the time the discharge is reported to DEQ is as follows:				
Known condition at the time the discharge is reported to DEQ	<i>NFA</i>	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>
Impacted receptor (petroleum in water supply, stream, vapors in the living space of a residence [this includes an unfinished basement], etc.)				x
Petroleum vapors are present in a nonliving space structure (e.g. crawl space, shed or barn, garage including attached garage)			x	
Free phase petroleum product is found at the site, i.e. detected in a borehole			x	
A water supply well is within 100 feet of the discharge location and the TPH concentration in the initial soil sample is < 13,000 mg/kg.		x		
A water supply well is within 100 feet of the discharge location and the TPH concentration in the initial soil sample is > 13,000 mg/kg.			x	
A perennial surface water body is within 100 feet of the release source		x		
Petroleum is present on the ground surface, i.e. catastrophic AST release or product floated out of a UST by water displacement			x	
Documented catastrophic discharge from a heating oil UST. (e.g. UST was filled a few days ago and now is empty)			x	
Petroleum saturated subsurface soil is present, but there are no apparent receptors		x		

For sites with no known impacted receptors, staff will define a "catastrophic discharge" as a documented rapid loss of product from the tank or lines.

Water supply samples should be collected if an on-site water supply well is present, regardless of distance. These samples should be analyzed for volatile organic compounds and semi-volatile organic compounds by EPA methods 8260 and 8270, respectively. Procedures for collecting samples from private water supplies may be found in Appendix Z of the Storage Tank Program Technical Manual.

Category 1 Case Transitions

If, after completion of a *Category 1* assessment any of the following conditions are present, the case will transition to *Category 2*.

- Petroleum vapor intrusion into a non-living area of a structure occurs between the time the discharge is reported to DEQ and the time the *Category 1* assessment is completed,
- The TPH concentration in a soil sample collected from near the bottom of the tank or near the water table interface has a TPH concentration > 13,000 mg/kg **and** a water supply well is within 100 feet **or** a perennial surface water body is within 100 feet of the tank,

and/or

- Free product is encountered **and** a water supply well is within 100 feet **or** a perennial surface water body is within 100 feet of the tank.

If, after completion of the *Category 1* assessment, the Case Manager believes the site conditions pose a significant risk to one or more receptors (even in the absence of data), the site may transition to a Category 2 with concurrence and approval from the Petroleum Program Manager or Regional Petroleum

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Team Leader.

Case Closure

Whenever a case is closed with no further action required (i.e., categorized as NFA) case managers must document their rationale for the decision. This rationale must be copied to the case file and shared via email or hard copy with the responsible party (**RP**) and the RP's consultant.

In instances where a case manager and the RP's consultant agree that a site should be closed following a Category **1** investigation, (the consultant's recommendation should be included in the *Category 1* report form), the Case Manager does not need to document a rationale for case closure.

In instances where an RP's consultant recommends case elevation and a case manager recommends case closure, the case manager must document their rationale for case closure. The case closure decision rationale must be copied to **the case file and shared via email with the responsible party (RP) and the RP's consultant**. The case closure rationale can take the form of a memo to file or a case closure letter.